

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

PRO-FOOTBALL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:14-cv-01043-GBL-IDD
	)	
AMANDA BLACKHORSE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

THIS MATTER is before the Court Defendants Amanda Blackhorse, Marcus Briggs-Cloud, Phillip Gover, Jillian Pappan, and Courtney Tsotigh's ("Blackhorse Defendants") Motion to Exclude (Doc. 140). Blackhorse Defendants seek to exclude Exhibits 161 through 168 (Docs. 129-4 through 129-11) to the Second Declaration of Jessica A. Rose, filed by Plaintiff Pro-Football, Inc. ("PFI"). Having considered the pleadings, the Court finds that PFI used the exhibits to respond to an argument first raised in Blackhorse Defendants' April 3, 2015, opposition brief. Moreover, the Court finds that PFI did not violate Rule 37 of the Federal Rules of Civil Procedure because (1) the exhibits, a series of newspaper articles, came into PFI's possession after Blackhorse Defendants filed their April 3, 2015, opposition brief, and (2) Blackhorse Defendants had equal access to the publicly available newspaper articles. Accordingly, it is hereby

**ORDERED** that Blackhorse Defendants' Motion to Exclude (Doc. 140) is **DENIED**.

**IT IS SO ORDERED.**

ENTERED this 8<sup>th</sup> day of July, 2015.

Alexandria, Virginia  
7/8/2015

\_\_\_\_\_/s/  
Gerald Bruce  
United States District Judge